

**04-457      LONG V. UNITED STATES**

QUESTIONS PRESENTED FOR REVIEW

1.    WHETHER THE HONEST SERVICES MAIL FRAUD PROVISION OF 18 U.S.C. §1346 IS SO ELASTIC AS TO CRIMINALIZE OPENLY ENGAGED IN CONDUCT BY A SMALL TOWN MAYOR/MUNICIPAL JUDGE WHERE THERE IS ABSOLUTELY NO EVIDENCE OF FRAUDULENT INTENT NOR ANY EVIDENCE OF DISHONESTY, DECEIT, COVER UP OR CONCEALMENT.
2.    WHETHER THE HONEST SERVICES PROVISION OF 18 U.S.C. § 1346 IS VOID FOR VAGUENESS.
3.    WHETHER THE HONEST SERVICES PROVISION OF 18 U.S.c. §§ 1341 AND 1346 REQUIRES A BUSINESS, CONTRACTUAL OR FIDUCIARY RELATIONSHIP BETWEEN A DEFENDANT AND PURPORTED VICTIM.
4.    WHETHER THE DISTRICT COURT VIOLATED DEFENDANT'S SIXTH AMENDMENT RIGHTS TO JURY TRIAL, AS SET FORTH IN BLAKELY V. WASHINGTON, 124 S.CT. 2531 (2004), BY JUDICIALLY INCREASING DEFENDANT'S SENTENCE BY EIGHT LEVELS PURSUANT TO THE SPECIFIC OFFENSE CHARACTERISTIC IN U.S.S.G. §2C1.7(b)(1)(B).